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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,482	03/08/2001	Claudia A. Walls	0446.1	7952
24298	7590	03/10/2004		
UT-Battelle, LLC 111 Union Valley Rd. PO Box 2008, Mail Stop 6498 Oak Ridge, TN 37831			EXAMINER HECKENBERG JR, DONALD H	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No.	Applicant(s)	
	09/801,482	WALLS ET AL.	
	Examiner	Art Unit	
	Donald Heckenberg	1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. This application contains claims directed to the following patentably distinct species of the claimed invention:

A. A mold wherein the polymer gel comprises a gel produced by vinyl polymerization of at least one monomer.

B. A mold wherein the polymer gel comprises a gel produced by condensation polymerization of at least one monomer.

C. A mold wherein the polymer gel comprises a gel produced from a solution of a naturally occurring polymer.

D. A mold wherein the polymer gel comprises a gel produced from a solution of a synthetic polymer.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

2. If Applicant elects Species A (a mold wherein the polymer gel comprises a gel produced by vinyl polymerization of at least

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one monomer) above, then the following further subspecies election must be made:

Species A contains claims directed to the following patentably distinct subspecies of the claimed invention:

1. A mold wherein the polymer gel produced by vinyl polymerization comprises a gel made by polymerizing at least one monofunctional vinyl monomer and at least one multifunctional vinyl monomer.
2. A mold wherein the polymer gel produced by vinyl polymerization comprises a gel made by polymerizing at least one multifunctional vinyl monomer.
3. A mold wherein the polymer gel produced by vinyl polymerization comprises a gel made by polymerizing hydroxymethylacrylamide in H₂O.
4. A mold wherein the polymer gel produced by vinyl polymerization comprises a gel made by polymerizing hydroxymethylacrylamide and a water-soluble comonomer in H₂O.

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4. If Applicant elects Species B (a mold wherein the polymer gel comprises a gel produced by condensation polymerization of at least one monomer) above, then the following further subspecies election must be made:

Species B contains claims directed to the following patentably distinct subspecies of the claimed invention:

1. A mold wherein the polymer gel produced by condensation polymerization of a monomer comprises an epoxy polymer system.

2. A mold wherein the polymer gel produced by condensation polymerization of a monomer comprises urethane polymer system.

3. A mold wherein the polymer gel produced by condensation polymerization of a monomer comprises a phenolic polymer system.

4. A mold wherein the polymer gel produced by condensation polymerization of a monomer comprises a furan polymer system.

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5. A mold wherein the polymer gel produced by condensation polymerization of a monomer comprises a melamine polymer system.

5. If Applicant elects Species C (a mold wherein the polymer gel comprises a gel produced from a solution of a naturally occurring polymer) above, then the following further subspecies election must be made:

Species C contains claims directed to the following patentably distinct subspecies of the claimed invention:

1. A mold wherein the polymer gel produced from a solution of a natural polymer comprises a polysaccharide.

2. A mold wherein the polymer gel produced from a solution of a natural polymer comprises a protein.

6. If Applicant elects Species C, subspecies 1 (a mold wherein the polymer gel comprises a gel produced from a solution of a naturally occurring polymer, wherein the polymer gel produced

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from a solution of a natural polymer comprises a polysaccharide)
above then the following further species election must be made:

Species C-1 contains claims directed to the following
patentably distinct subspecies of the claimed invention:

- a. A mold wherein the polymer gel produced from a solution of a natural polymer comprises a polysaccharide, wherein the polysaccharide is agar.
- b. A mold wherein the polymer gel produced from a solution of a natural polymer comprises a polysaccharide, wherein the polysaccharide is xanthan gum.
- c. A mold wherein the polymer gel produced from a solution of a natural polymer comprises a polysaccharide, wherein the polysaccharide is starch.
- d. A mold wherein the polymer gel produced from a solution of a natural polymer comprises a polysaccharide, wherein the polysaccharide is locust bean gum.

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7. If Applicant elects Species D (a mold wherein the polymer gel comprises a gel produced from a solution of a synthetic polymer) above, then the following further species election must be made:

Species D contains claims directed to the following patentably distinct subspecies of the claimed invention:

1. A mold wherein the polymer gel produced from a solution of a synthetic polymer comprises a cellulose.
2. A mold wherein the polymer gel produced from a solution of a synthetic polymer comprises a cellulose derivative.
3. A mold wherein the polymer gel produced from a solution of a synthetic polymer comprises a poly vinyl alcohol.
4. A mold wherein the polymer gel produced from a solution of a synthetic polymer comprises a poly acrylic acid.

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5. A mold wherein the polymer gel produced from a solution of a synthetic polymer comprises a polyacrylamide.

8. Applicant is advised that a reply to this requirement must include an identification of the species and subspecies, that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species and subspecies which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species and subspecies are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<<http://pair-direct.uspto.gov>>>. Should you have questions

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on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at (866) 217-9197 (toll-free).



Donald Heckenberg
March 5, 2004